

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

GROVER E. VANCE,

Plaintiff

v.

Civil Action No.: 2:05-0750

JO ANNE B. BARNHART,
Commissioner of
Social Security,

Defendant

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley, entered on June 20, 2006; and the magistrate judge having recommended that the court grant plaintiff's motion for judgment on the pleadings to the extent that it seeks remand to the Commissioner for further proceedings; and the magistrate judge having further recommended that the court deny judgment in favor of defendant, reverse the final decision of the Commissioner, and remand this case; and no objection having been filed to the proposed findings and recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and the same hereby are, adopted by the court;

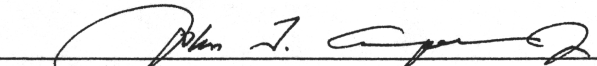
2. The plaintiff's motion for judgment on the pleadings be, and it hereby is, granted only insofar as it requests remand to the Commissioner for further proceedings and plaintiff's motion is otherwise denied;

3. Judgment in favor of defendant be, and it hereby is, denied; and

4. The decision of the Commissioner be, and the same hereby is, reversed and this cause is remanded to the Commissioner for further proceedings pursuant to the fourth sentence of 42 U.S.C.A. § 405(g), which proceedings shall include a thorough explanation of the weight afforded the medical evidence of record; consideration of all of claimant's limitations, including his limited depth perception; a detailed pain and credibility analysis, including a discussion of the evidence from Dr. Setser and Dr. Caraway; and as more fully set forth in the magistrate judge's proposed findings and recommendation.

The Clerk is directed to forward certified copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: July 17, 2006



John T. Copenhaver, Jr.
United States District Judge